

# SENATE MOTION

MR. PRESIDENT:

**I move** that Senate Bill 333 be amended to read as follows:

- 1           Page 6, between lines 25 and 26, begin a new paragraph and insert:  
2           "SECTION 10. IC 4-33-1-1 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. This article applies  
4           only to the following:  
5           (1) Counties contiguous to Lake Michigan.  
6           (2) Counties contiguous to the Ohio River.  
7           (3) ~~Counties contiguous to Patoka Lake.~~ **A historic preservation**  
8           **district that:**  
9           **(A) is established under IC 36-7-11;**  
10           **(B) is located in a county having a population of more than**  
11           **nineteen thousand three hundred (19,300) but less than**  
12           **twenty thousand (20,000); and**  
13           **(C) includes the real property owned by the historic resort**  
14           **hotels located in:**  
15           **(i) a town having a population of more than one**  
16           **thousand five hundred (1,500) but less than two**  
17           **thousand two hundred (2,200); and**  
18           **(ii) a town having a population of less than one thousand**  
19           **five hundred (1,500)."**  
20           Page 6, between lines 34 and 35, begin a new paragraph and insert:  
21           "SECTION 13. IC 4-33-2-11.5 IS ADDED TO THE INDIANA  
22           CODE AS A NEW SECTION TO READ AS FOLLOWS  
23           [EFFECTIVE JULY 1, 2002]: Sec. 11.5. **"Historic resort hotel"**  
24           **means a hotel built before 1930 with at least three hundred (300)**  
25           **sleeping rooms at the time of the hotel's original construction."**  
26           Page 7, between lines 4 and 5, begin a new paragraph and insert:  
27           "SECTION 16. IC 4-33-4-2 IS AMENDED TO READ AS  
28           FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The commission  
29           shall adopt rules under IC 4-22-2 for the following purposes:  
30           (1) Administering this article.

(2) Establishing the conditions under which riverboat gambling in Indiana may be conducted.

(3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of riverboat gambling.

~~(4) With respect to riverboats that operate on Patoka Lake, ensuring:~~

~~(A) the prevention of practices detrimental to the natural environment and scenic beauty of Patoka Lake; and~~

~~(B) compliance by licensees and riverboat patrons with the requirements of IC 14-26-2-5 and IC 14-28-1.~~

~~(5)~~ (4) Establishing rules concerning inspection of riverboats and the review of the permits or licenses necessary to operate a riverboat.

~~(6)~~ (5) Imposing penalties for noncriminal violations of this article.

SECTION 17. IC 4-33-4-3, AS AMENDED BY P.L.14-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The commission shall do the following:

(1) Adopt rules that the commission determines necessary to protect or enhance the following:

(A) The credibility and integrity of gambling operations authorized by this article.

(B) The regulatory process provided in this article.

~~(C) The natural environment and scenic beauty of Patoka Lake.~~

(2) Conduct all hearings concerning civil violations of this article.

(3) Provide for the establishment and collection of license fees and taxes imposed under this article.

(4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.

(5) Levy and collect penalties for noncriminal violations of this article.

(6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

(7) Be present through the commission's inspectors and agents during the time gambling operations are conducted on a riverboat to do the following:

(A) Certify the revenue received by a riverboat.

(B) Receive complaints from the public.

(C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

~~(D) With respect to riverboats that operate on Patoka Lake, ensure compliance with the following:~~

~~(i) IC 14-26-2-6.~~

~~(ii) IC 14-26-2-7.~~

~~(iii) IC 14-28-1.~~

(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(B) an emergency rule is likely to address the need.

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8)."

Page 7, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 19. IC 4-33-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) **This section does not apply to a riverboat located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).**

(b) After consulting with the United States Army Corps of Engineers, the commission may do the following:

(1) Determine the waterways that are navigable waterways for purposes of this article.

(2) Determine the navigable waterways that are suitable for the operation of riverboats under this article.

~~(b)~~ (c) In determining the navigable waterways on which riverboats may operate, the commission shall do the following:

(1) Obtain any required approvals from the United States Army Corps of Engineers for the operation of riverboats on those waterways.

(2) Consider the economic benefit that riverboat gambling provides to Indiana.

(3) Seek to ensure that all regions of Indiana share in the economic benefits of riverboat gambling.

~~(4) Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1, conduct a feasibility study concerning:~~

~~(A) the environmental impact of the navigation and docking of riverboats upon Patoka Lake; and~~

~~(B) the impact of the navigation and docking of riverboats upon the scenic beauty of Patoka Lake.~~

SECTION 20. IC 4-33-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. The commission shall annually do the following:

(1) Review the patterns of wagering and wins and losses by persons on riverboat gambling operations under this article.

(2) Make recommendations to the governor and the general assembly concerning whether limits on wagering losses should be imposed.

~~(3) Examine the impact on the natural environment and scenic~~

1           ~~beauty of Patoka Lake made by the navigation and docking of~~  
2           ~~riverboats."~~.

3           Page 8, line 8, strike "upon Patoka Lake".

4           Page 8, line 9, strike "from a county" and insert **"in a historic**  
5           **preservation district"**.

6           Page 9, between lines 13 and 14, begin a new paragraph and insert:  
7           "SECTION 25. IC 4-33-6-6 IS AMENDED TO READ AS  
8           FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) A riverboat that  
9           operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2)  
10          must:

11          (1) have a valid certificate of inspection from the United States  
12          Coast Guard for the carrying of at least five hundred (500)  
13          passengers; and

14          (2) be at least one hundred fifty (150) feet in length.

15          (b) A riverboat that operates ~~on Patoka Lake~~ **in a county described**  
16          **under IC 4-33-1-1(3)** must:

17          (1) have the capacity to carry at least five hundred (500)  
18          passengers;

19          (2) be at least one hundred fifty (150) feet in length; and

20          (3) meet safety standards required by the commission.

21          (c) This subsection applies only to a riverboat that operates on the  
22          Ohio River. A riverboat must replicate, as nearly as possible, historic  
23          Indiana steamboat passenger vessels of the nineteenth century.  
24          However, steam propulsion or overnight lodging facilities are not  
25          required under this subsection."

26          Page 12, between lines 8 and 9, begin a new paragraph and insert:  
27          "SECTION 32. IC 4-33-9-17 IS ADDED TO THE INDIANA CODE  
28          AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
29          1, 2002]: Sec. 17. (a) **This section applies only to a riverboat located**  
30          **in a historic preservation district described in IC 4-33-1-1(3).**

31          (b) **As used in this section, "electronic gaming device" has the**  
32          **meaning set forth in 68 IAC 1-1-29.**

33          (c) **As used in this section, "live gaming device" has the meaning**  
34          **set forth in 68-IAC 1-1-59.**

35          (d) **The licensed owner of a riverboat described in subsection (a)**  
36          **may not install more than five hundred (500) electronic gaming**  
37          **devices on board the riverboat.**

38          (e) **This section does not limit the number of live gaming devices**  
39          **that the licensed owner may install on board a riverboat described**  
40          **in subsection (a)."**

41           Page 12, line 23, after "IC 4-33-2-8;" insert "IC 4-33-4-19;".

42           Re-number all SECTIONS consecutively.

(Reference is to SB 333 as printed January 25, 2002.)

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Senator SIMPSON